IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 2055 OF 2007

IN

WRIT PETITION NO.4827 of 2007

The Collector of Pune & ors. .. Applicants

versus

Laxman Pandurang Divekar & Anr. .. Respondents

...

Mr.A.A. Kumbhakoni, Associate Advocate General with Mr.A.H. Palekar, AGP for the applicant.

Mr.S.P. Kadam for the petitioner.

Mr.A.V. Anturkar with S.S. Salunkhe for respondent no.2.

CORAM : S.B. MHASE AND
D.G.KARNIK, JJ

DATED : 17th August 2007.

P.C.:

. Heard both sides.

2. We have directed the applicant to complete the elections of the Bhima Sahakari Sugar Factory

prior to the term of the office bearers of the said factory. The earlier managing committee have entered into office on 11th September 2002 and therefore the elections are required to be conducted and completed prior to 11th September 2007. As on today, voters list has been finalised and it has been published finally on 26th July 2007. As per the rules for a period of one month, programme under Rule 16 cannot be published and therefore, programme as per the Rule 16 will commence on 27th August 2007 and if from that onwards, the programme is scheduled, it cannot be completed prior to 11th September 2007 but it will be completed by 15th October 2007. Therefore, probably the existing managing committee of the Bhima Sugar factory will remain in office even after 11th September 2007, upto 15th October 2007 and/or till the first meeting of the new elected managing committee is conducted. Therefore, the Government has approached to this court to extend the time to hold the elections because our earlier directions directs the Government and the Collector to complete the elections prior to the term of the managing committee viz. 11th September 2007. What we find that in discharging the legal duties and following the legal programme, the election programme would go upto 15th October 2007 and therefore, there would be no wrong on the part of the Government and therefore, we find that the period can be extended. Taking

overall view of the matter, we find that the elections results as per the scheduled programme would be published by 15th October 2007. The first meeting of the new elected body shall be conducted by the Collector and/or the nominees appointed by the Collector within a period of 15 days thereafter and this schedule shall be followed by the Collector very scrupulously. The election programme submitted by the Government is marked "X" for identification and is kept in the civil application.

3. What we find that the present managing committee is remaining in the office after 11th September 2007 and therefore we direct the present managing committee not to take any policy decision. The managing committee shall not take any major decision of expenditure and/or ordering the machinery. They shall not carry out any activity except off season activity so as to make the factory unit operative for the commencing season. We further direct that the managing committee shall not take any decision that will allure the voters.

4. With these directions, civil application is disposed of.

(D.G. KARNIK, J) (S.B. MHASE, J)